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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,705	01/05/2006	Hideo Hada	SHIGA7.038APC	2931

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EXAMINER

CHU, JOHN S Y

ART UNIT	PAPER NUMBER
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1795

NOTIFICATION DATE	DELIVERY MODE
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10/06/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
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Office Action Summary	Application No. 10/563,705	Applicant(s) HADA ET AL.	
	Examiner JOHN S. CHU	Art Unit 1795	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/8/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office action is in response to the amendment filed June 27, 2008.

1. The provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1-14 of copending Application No. 11/347,167 **is withdrawn**
2. The rejection on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-20 of U.S. Patent No. 7,074,543 is **withdrawn**. In view of the proper terminal disclaimer received June 27, 2008.
3. The rejections on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-8, of U.S. Patent No. 7,316,889 (U.S. Serial No. 11/347,423), claims 1-7, of U.S. Patent No. 7,316,888 (U.S. Serial No. 11/347,102), claim 1, of U.S. Patent No. 7,323,287 (U.S. Serial No. 11/347,100) and claims 1-8, of U.S. Patent No. still pending of U.S. Serial No. 11/347,055 is **withdrawn**.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 5-13 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over YAMANAKA et al (7,252,924)

The claimed invention is drawn to the following:

1. **(Currently amended)** A resist composition, comprising a resin component (A) that displays changed alkali solubility under action of acid, and an acid generator component (B) that generates acid on exposure, which is used in a shrink process comprising the steps of: providing a resist layer formed from said resist composition on top of a support, forming a resist pattern in said resist layer, providing a water-soluble coating formed from a water-soluble coating formation agent comprising a water-soluble polymer on top of said resist pattern, and shrinking said water-soluble coating by heating, thereby narrowing a spacing of said resist pattern, wherein

said component (A) is a resin comprising structural units derived from a (meth)acrylate ester, and exhibits a glass transition temperature that falls within a range from 120 to 170°C, and is either one of:

a mixed resin comprising a polymer that comprises both structural units derived from an acrylate ester and structural units derived from a methacrylate ester, and a polymer that comprises one of either structural units derived from an acrylate ester or structural units derived from a methacrylate ester, but not another, and

a mixed resin comprising a polymer that comprises structural units derived from an acrylate ester but no structural units derived from a methacrylate ester, and a polymer that comprises structural units derived from a methacrylate ester but no structural units derived from an acrylate ester.

YAMANAKA et al discloses in Table 2 compositions comprising a resin blend meeting the claimed mixed resin as recited in claim 1. The glass transition temperatures are disclosed in

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the Examples found in column 77 - column 85 and would inherently meet the claimed range as recited in claim 1. Example 3 shows a 50/50 blend of resins (2-3) and (7-1) each having a glass transition temperature of 113° C and 152° C, respectively. The median temperature would then be 132.5° C thus meeting the claimed range as recited in claim 1.

It would have been *prima facie* obvious to one of ordinary skill in the art of photoresist compositions to duplicate any of the listed examples in YAMANAKA et al and reasonably expect to get same or similar results for suitability at short wavelengths and yet maintain high resolution.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Chu whose telephone number is (571) 272-1329. The examiner can normally be reached on Monday - Friday from 9:30 am to 6:00 pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Cynthia Kelly, can be reached on (571) 272-1526

The fax phone number for the USPTO is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PMR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/John S. Chu/
Primary Examiner, Art Unit 1795

J.Chu
September 29, 2008